

**CITY OF WEST DES MOINES
DEVELOPMENT AND PLANNING
CITY COUNCIL SUBCOMMITTEE MEETING
City Hall Training Room**

Monday, May 1, 2017

Attending:

Council Member John Mickelson
Council Member Jim Sandager
City Attorney Richard Scieszinski
City Manager Tom Hadden
Deputy City Manager Jamie Letzring
Planner Brian Portz

Development Director Lynne Twedt
Chief Building Official Rod Van Genderen
Principal Engineer Ben McAlister
Communications Specialist Lucinda Stephenson
Planner Kara Tragesser
Planner Brad Munford

Guests:

Item #2 – Change Zoning or Temporary Variance

Jon & Robin Arnold, 200 39th Street

The meeting of the Development and Planning City Council Subcommittee was called to order at 8:00 a.m.

1. Change Zoning or Temporary Variance – Jon & Robin Arnold

Development Director, Lynne Twedt opened the meeting with the 2nd item on the agenda. Jon & Robin Arnold, owners of the 3.5 acre property at 200 39th Street were in attendance. Their property is zoned R-1 and they have several out buildings on the property. Per city code, in a R-1 district you can have up to 1,000 sf of detached accessory structures, they have about 1,600 sf of accessory structures. They would like to add an addition to an existing detached garage or tear down and replace the existing garage. They will be cleaning out a lot of the existing out buildings on the property and upon emptying the structures, the Arnold's intend to tear some of the structures down.

Ms. Twedt discussed their options. A temporary variance could be granted, allowing them to exceed the 1,000 sf threshold for approximately 2 years, which would give them to time to construct the structure, clean out the other structures and tear down enough to bring them compliant with the allowed 1,000 sf. The other option is to change zoning. The property meets estate zoning regulations, lot sizes must be a minimum of 40,000 sf. If they rezone the property to RE they can have up to 10% of their lot as detached accessory structures which would give them about 3,500 sf. Essentially they could keep all the structures if they desired. The problem for them is they are considering building an addition onto the house with an attached garage and setbacks in RE are a little more restrictive than they are in R-1.

Robin Arnold, 200 39th Street, stated they have the basic floor plan for the house addition figured out without interrupting the driveway. She was not sure if they were going to put on an attached garage now because of pricing. They would like to build the addition and keep the detached garage if allowed to tear the old one down and rebuild. They would like a 3-car garage. The biggest thing for them was the time frame, they didn't know how long the process would take. Ms. Arnold also mentioned the out buildings are not heated so there is not much they can do as far as cleaning them out during the winter.

Council Member Mickelson asked if two years would be enough time. Ms. Arnold stated she thought it would. They have started going through the out buildings, however the problem is the lack of a place to pull things out and sort through them. The garage is a dirt floor so it isn't a workable space, they are working in cramped quarters trying to go through it. She continued, if it gets really hot you can only be in those buildings a short time because it is stifling.

Council Member Mickelson stated he was in agreement with whichever option worked best for the homeowner. The intent is there to clean it up over time and if it takes 2 years he felt that was reasonable.

Council Member Sandager felt the temporary variance would give them more flexibility in the future because of platting if they wanted to sell to a developer.

Director Twedt stated it is not there intent to plat it into smaller lots, but if they go to RE zoning they would have to have 40,000 sf lots.

Mr. Sandager stated this is a valuable piece of property; several acres in the heart of West Des Moines on a paved road makes it a very desirable location.

Ms. Arnold expressed concern regarding the time frame she wanted to know if the temporary variance would facilitate the process quicker than changing the zoning because of public hearings.

Director Twedt stated both the variance and zone change would require a public hearing. The difference being, the variance goes to the Board of Adjustment only and the zone change would go to the Plan & Zoning Commission then at least twice to the City Council.

Ms. Arnold stated their goal is to get a garage up and replaced as soon as possible.

Director Twedt stated either process should have a resolution by mid-June if submitted immediately.

She addressed another concern regarding the driveway. It is currently gravel and if the garage is built further back it doesn't make sense to pave in front of their house. That is another variance staff would have to look at or put a timeline on it stating if the garage never happens and this becomes the primary one, the City would expect the driveway to be paved.

Direction: Council Member Sandager was supportive of the temporary variance. Council Member Mickelson was supportive of the temporary variance or a change in zoning.

2. Land Use of 1525 & 1535 Grand Avenue

Development Director Lynne Twedt showed committee members two properties owned by John McRoberts on Grand Avenue. In 2007 he received approval for a 3-story senior apartment building that would have communal dining. The senior apartment building never happened. Entitlement was extended up to 2012, but the City decided not to extend it any more than that. Mr. McRoberts has been in to talk with staff about getting the senior project back but he wants to put in senior apartments. Staff has told him he can't build senior apartments because we treat them as market rate apartments which requires high density zoning. Also, he would not be able to accommodate the increase in parking requirements and setbacks would become an issue. Variances were granted before, but it is questionable whether or not they would be granted again.

Council Member Sandager remembered the project and stated it was a battle to approve the 3-story apartments so the likelihood of getting the project approved now would not be that great.

Director Twedt stated he would like it to be 4-stories now to get more value.

Mr. McRoberts approached staff again this spring asking what his options are. Ms. Twedt went over the options for the site:

1. Leave it as it is zoned today; RS-30 with 30,000 sf lots. Mr. McRoberts has stated there are a lot of improvements that need to happen to the houses so there is a lot of financial that would have to go into the existing homes. They are rented but they are not ideal.
2. Go from an RS-30 down to an RS-10 (10,000 sf lots) which would be consistent with the neighborhood. One concern with this would be the number of driveway cuts on Grand Avenue. He could use a frontage road or a drive that comes into the site and then split the individual driveways off of that.
3. Change the zoning to office. Director Twedt stated he has tried it before and it was met with opposition. Given the adjacent office zoning, there is some rationale with office.
4. Allowing detached townhomes in single family. She noted that the City is looking at allowing detached townhomes in single family with the idea that if you look like a single family and act like a single family, does it matter if you are technically classified as a townhome. Ms. Twedt stated that this is a code amendment that staff is looking at applying across the City. She noted that they are not ready to bring the code amendment forward, so that does delay Mr. McRoberts.

Council Member Mickelson asked if he had worked with the Diocese stating they have been pushing to get more senior housing around parishes and that support could help get more buy-in from the neighborhood.

Ms. Twedt stated they still run into problems with the building height and parking because they want active senior apartments, which the parking for is far greater than for assisted living.

Council Member Sandager commented active senior apartments would include kitchens and clarified that before there were no kitchens.

Director Twedt continued there are problems doing anything with multiple stories on the site.

Mr. Sandager stated with the 3-story building the massing for neighbors was a big deal.

Director Twedt asked members if they would be comfortable with a smaller single family if we can make the driveways work.

Council Member Mickelson was fine with either one as long as they weren't coming out onto Grand and Council Member Sandager was in agreement as well.

Direction: Council Members were supportive of rezoning to match the adjacent single family to the north which is RS-10 or allowing detached townhomes within single family zoning districts.

3. Exaction Policy

City Attorney Richard Scieszinski provided additional comment regarding the proposed exaction policy. The policy had been originally presented to the committee on March 20, 2017, with a request at that time that the members be given additional time to review. As proposed by Mayor Gaer, a provision added since the March 20th meeting is that the conveyance of an exaction related to a development in which additional right of way is required for an existing roadway can be made in fee title or easement, depending on the circumstances. If by easement the conveyance should provide the same rights to the City had acquisition been made in fee.

The second added provision is in regard to the manner in which the process to impose an exaction occurs. The department requesting the exaction will be required to present its analysis to other departments for review, including the legal department, who will then sign-off on the request and include a synopsis of the analysis in the city council communication.

Council Member Sandager stated the Mayor made a good point as mortgage lenders often take security in the entire property, so conveying a portion of the secured property to the City may violate the terms of the mortgage.

4. Upcoming Projects – A map was provided with a brief description of each.

- a. Zoning Code Amendment – Clean up code to remove minimum PUD acreage requirements stated in the chapter 4 and clarify language in chapter 9 related to shifting of densities in residential developments. (AO-003430-2017). Planner Brad Munford stated there are some discrepancies in our zoning code. We have a definition that says the minimum acreage for a PUD is 10 acres then a few sections later there is a section of the code that says there is no acreage minimum, so this amendment is a fix to make those consistent. The language will say there are no acreage minimum zoning requirements.
- b. Glen Oaks Buffer Vacation – Vacate landscape buffer located along the rear lot line of 5924, 5946, 5968, and 5965 Dogwood Lane and 1365 Tulip Tree Lane (VAC-003429-2017). Planner Brad Munford stated this is a 30' buffer vacation in the Glen Oaks area located on S. 60th St. There is a home that they step out of their back door and they are within the 30' buffer so they do not have a back yard. They are looking to vacate the buffer to allow them to have a larger back yard and have some opportunities for fencing to screen from S. 60th now that it is paved. Director Twedt stated between 1993 and 1995 we changed to the 30'

buffer park and they were kind of caught in the change. When this development started in 1993 our buffering requirement was either a fence or 60' buffer: now a fence would not be allowed, but a 30' buffer is an option.

- c. Woodland Hills of West Des Moines Plat 3 (South side of Cascade Ave, approx. 400' west of S 88th St) - Subdivide the property into 9 lots for construction of detached townhomes (PP-003131-2016 & SP-003132-2016). Planner Brad Munford discussed both items c & d together. Plat 3 and Plat 4 are preliminary plats and site plans for detached townhomes. They will be individual homes with the ownership under an association. He stated the development is similar to Eagles Landing to the east and this would continue that pattern in the area.
- d. Woodland Hills of West Des Moines Plat 4 (West side of S 91st Street approx. 220' south of Cascade Ave) - Subdivide the property into 14 lots for construction of detached townhomes (PP-003129-2016 & SP-003130-2016)
- e. Cedar Ridge Lots 2-7 (NW corner of Mills Civic Pkwy & S 91st St) - Consistency zone property to Residential Estate (ZC-003457-2017). Development Director Twedt indicated these are lots on Mills Civic that are platted out as part of Cedar Ridge, but don't have zoning.
- f. Clegg Park Plat 4 Lots 107 & 108 (601 Clegg Rd): Change land use and zoning from Office to Single Family Residential (CPA-003446-2017 & 003447-2017) Planner Brian Portz stated this is a Brody property located on 5th Street and Clegg Road. Mr. Brody wants to change the area to residential zoning basically expanding his yard. What he purchased is actually part of the parking lot to the New Horizons building.

Council Member Sandager asked about unintended consequences and what would happen if 10 years from now someone on the New Horizons site wanted to demolish the building and put up a new 3-story building. Planner Portz stated they would have to design to accommodate what they have on the site as far as parking. They do have enough now as the building is 20,000 sf. Director Twedt stated it would come down to what can fit on the site while providing adequate parking.

Mr. Brody intends to cut off the parking so you can't circulate through there.

Council Member Mickelson asked if Mr. Brody approached the New Horizon owners regarding being over parked, offering to purchase the property. Director Twedt stated it was purchased without staff knowing about it. As long as they stay more of a daycare facility and don't add a 9th-12th grade school component they are probably fine. If they want to expand to a classroom setting then you get into older age groups that are starting to drive which may cause some problems. Today, however, it functions just fine.

- g. IMT (7825 Mills Civic Pkwy): Construction of an approximately 85,000 sf office building and associated site improvements (OSP-003452-2017) Planner Brian Portz stated he just received the plans for the IMT building and it will be 3 stories totaling 5,000 sf.

Council Member Sandager inquired as to the valuation of the project. Director Twedt stated it was \$17,000,000 for the IMT portion and Hy-Vee would add an additional \$6,000,000.

City Attorney, Richard Scieszinski mentioned he has been back and forth with the developer and his attorney. When it was originally platted it was one big development for Bridgewood and when Bridgewood sold it, they sold the detention basin that served the Bridgewood neighborhood to the north. Mr. Scieszinski has indicated that it is a problem and the basin never should have been sold off without reserving an easement.

Mr. Hurd's attorney, Tim Hogan was told they are going to have to accommodate the storm water that is coming off of Bridgewood. They were open to that idea but wanted to address it later as they felt the storm water plan that they submitted was adequate for their facility and they should be able to move forward with their development. Principal Engineer, Ben McAlister stated they spent most of Friday, April 28, 2017 working on the issue with Shive-

Hattery and Mr. Hurd. Shive-Hattery has indicated they have a solution.

Director Twedt stated we don't know at which point the detention basin was sold but there was no easement placed over the detention. The original plans when Bridgewood owned the property were to put in a temporary detention with the idea that as they built additional townhomes there would be a permanent detention pond built near the townhomes. At the time, this was fine because they owned both parcels and there was no need for them to put easements on it. Prior to them selling it to somebody else, they should have placed easements over the detention basin.

Director Twedt stated at City Council the Area Development Plan and the Specific Plan will be presented with the Preliminary Plat being removed from the agenda to allow more time to resolve the issue. The Preliminary Plat will be submitted at the next Council meeting.

5. Minor Modifications

- a. Solheim Cup (1600 Jordan Creek Pkwy): Add an entrance to west side of property to accommodate tournament traffic (MML1-003444-2017)
- b. Hawthorne Center (9500 University Ave): Add patio space to northeast and northwest corner of building (MML1-003448-2017)
- c. Drive-thru Canopy Demo (3900 University Ave): Demolition of existing bank canopy (MML1-003450-2017)
- d. Scenic Valley Park (1223 S 24th Ct): Construction of a GaGa Ball court (MML1-003451-2017)
- e. KCL Engineering (300 4th St): Renovation of retail building for office use (MML2-003449-2017)

6. Other Matters

The meeting adjourned at 8:34 a.m. The next regularly scheduled Development and Planning City Council Subcommittee is May 15, 2017.

Lynne Twedt, Development Services Director

Recording Secretary